IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1886 OF 2007

1.Rajendra Kumar Ramdhani Gupta, &
2.Jitendra Kumar Ramdhani Gupta. ...Applicants.

Versus

The State of Maharashtra ...Respondent.

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Mr.Rajiv Patil, Adv. i/b. M.H.Ahooja, Adv. for the Applicants.
Mr.V.B.Konde-Deshmukh, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 25th June, 2007.

P.C.:

1. Heard the learned Advocate for the Applicants and the learned APP for the State.

2. The applicants are seeking bail in C.R.No.18 2007 of Vashi Railway Police Station, Vashi, Navi Mumbai. The said case is under Section 306 read with 34 of IPC.

3. The complainant is the stepbrother of the applicants. It is his case that his father i.e. also the father of the present applicants died on 27.12.2006 on account of being hit by train. It is the case of the complainant that both the

applicants used to pressurise his father for money and property. They used to pressurise his father to sell property and on account of this, they used to harass his father. It is the case of the complainant that the applicants instigated his father to commit suicide, on 27.12.2006.

4. It is pertinent to note that the death of the father of the complainant who was also father of the applicants occurred on 27.12.2006. However, the complaint has been lodged about three and half months later i.e. on 13.4.2007. In the complaint the complainant has stated that his father had died on account of railway accident, however thereafter in the complaint he has stated that the present applicants have instigated his father to commit suicide. The complaint is very much belated. This gives rise to the opinion that the applicants have been falsely implicated as an afterthought. There is no explanation for this huge delay in lodging the complaint. The applicants have been in custody for about a year.

5. Looking to all these facts, I am inclined to grant bail to the applicants.

6. The applicants - Rajendra Kumar Ramdhani Gupta and Jitendra Kumar Ramdhani Gupta to be released on bail in the sum of Rs.35,000/- each with one or two sureties to make up the said amount. The applicants shall report to Vashi Railway Police Station, Vashi, Navi Mumbai on every alternate Monday, till conclusion of the trial.

7. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)